

Honorable Judge Benjamin H. Settle

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

CLYDE RAY SPENCER,

Plaintiff,

v.

JAMES M. PETERS, et al.,

Defendants.

NO. C11-5424-BHS

DECLARATION OF JEFFREY  
FREIMUND IN OPPOSITION TO  
PLAINTIFF'S MOTIONS IN  
LIMINE

Pursuant to 28 U.S.C. § 1746, JEFFREY FREIMUND, declares under penalty of perjury under the laws of the State of Washington and the United States of America that the following is true and accurate:

1. I am an attorney representing defendant Michael Davidson in the above-captioned matter. I am over the age of 18, competent to testify about the matters stated herein, and make this declaration based on my personal knowledge.

2. Attached to this declaration as Exhibit 1 is a true and accurate copy of defendant Krause's October 18, 1984 report of her interview of DeAnne Spencer.

3. Attached to this declaration as Exhibit 2 is a true and accurate copy of defendant Krause's training material that she authored entitled "Investigating Child Sexual Abuse

1 Allegations.”

2 4. Attached to this declaration as Exhibit 3 is a true and accurate copy of a Clark County  
3 Sheriff’s Office incident report dated February 3, 1985 documenting a domestic violence  
4 incident involving Ray and Shirley Spencer.

5 5. Attached to this declaration as Exhibit 4 is a true and accurate copy of defendant  
6 Krause’s February 22, 1985 report of various contacts with Shirley Spencer during the month of  
7 February 1985, and referencing the incident report that is Exhibit 3 to this declaration.  
8

9 6. Attached to this declaration as Exhibit 5 is a true and accurate copy of defendant  
10 Krause’s October 17, 1984 report of her interview of Kathryn Roe.

11 7. Attached to this declaration as Exhibit 6 is a true and accurate copy of defendant  
12 Krause’s October 17, 1984 report of her interview of Phyllis Day.

13 8. Attached to this declaration as Exhibit 7 is a true and accurate copy of excerpts from  
14 plaintiff’s initial disclosures in this case.  
15

16 9. Attached to this declaration as Exhibit 8 is a true and accurate copy of excerpts from  
17 former named defendant James Peters’ initial disclosures in this case.

18 10. Attached to this declaration as Exhibit 9 is a true and accurate copy of excerpts from  
19 defendant Krause’s October 26, 2012 responses to plaintiff’s interrogatories.  
20

21 11. Attached to this declaration as Exhibit 10 is a true and accurate copy of excerpts  
22 from defendant Davidson’s October 26, 2012 responses to plaintiff’s interrogatories.

23 12. Attached to this declaration as Exhibit 11 is a true and accurate copy of defendant  
24 Davidson’s October 9, 2012 disclosure of expert testimony.

25 13. Attached to this declaration as Exhibit 12 is a true and accurate copy of excerpts  
26

1 from the deposition of Sharon Krause. Specifically, pages 34-36 of this deposition are  
2 referenced in defendants' joint response to plaintiff's motions in limine.

3 SIGNED this 9<sup>th</sup> day of December, 2013 in Olympia, WA.  
4

5 s/Jeffrey A. O. Freimund  
6 JEFFREY A. O. FREIMUND, WSBA No. 17384  
7 Freimund Jackson Tardif & Benedict Garratt, PLLC  
8 711 Capitol Way South, Suite 602  
9 Olympia, WA 98502  
Telephone: (360) 534-9960  
Fax: (360) 534-9959  
[jeffF@fjtlaw.com](mailto:jeffF@fjtlaw.com)  
Attorney for Defendant Michael Davidson

**CERTIFICATE OF SERVICE**

I hereby certify that on December 9, 2013, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Douglas H. Johnson, Attorney Pro Hac Vice for Plaintiff Clyde Ray Spencer,  
[dhjohnson43@aol.com](mailto:dhjohnson43@aol.com)

Kathleen T. Zellner, Attorney Pro Hac Vice for Plaintiff Clyde Ray Spencer,  
[kathleen.zellner@gmail.com](mailto:kathleen.zellner@gmail.com)

Daniel T. Davies, Attorney for Plaintiff Clyde Ray Spencer  
[dandavies@dwt.com](mailto:dandavies@dwt.com)

s/Kathrine Sisson  
KATHRINE SISSON  
Legal Assistant to  
JEFFREY A. O. FREIMUND, WSBA No. 17384  
Freimund Jackson Tardif  
& Benedict Garratt, PLLC  
711 Capitol Way South, Suite 602  
Olympia, WA 98502  
Telephone: (360) 534-9960  
Fax: (360) 534-9959  
[jeffF@fjtlaw.com](mailto:jeffF@fjtlaw.com)  
Attorney for Defendant Sergeant Michael Davidson